REMARKS/ARGUMENTS

Applicants have received the Office Action dated April 7, 2008, in which the Examiner: 1) rejected claims 1-4, 6, 7, 9, 10, 12, 14, 15, 17-21 and 23 under 35 U.S.C. § 102(b) as being allegedly anticipated by Ally et al. (U.S. Pub. No. 2002/0107915, hereinafter "Ally"); and 2) rejected claims 5, 22 and 24 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ally in view of Wong (U.S. Pat. No. 7,346,649, hereinafter "Wong"). Based on the arguments herein, Applicants respectfully submit that all pending claims are in condition for allowance.

I.   REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-4, 6-7, 9-10, 12, 14-15, 17-21 and 23 stand rejected as allegedly anticipated by Ally. Applicants respectfully traverse this rejection.

A.   Claims 1-6

Claim 1 requires "an application stored in the memory unit" and "a[n] [executable] facade server [that] hosts the application without utilizing network protocols." Ally fails to teach or even suggest such limitations. The Examiner argues that Ally's adapter 16 meets Applicants' requirement of a "facade server" and that Ally's use of JavaServer Pages (JSP) formatting meets Applicants' requirement of an application that is hosted by the facade server. Applicants traverse the Examiner's assertions and offer several rebuttals.

First, nowhere does Ally describe the adapter 16 as "hosting" JSP. Ally teaches that the adapter 16, which is a "process" on the web server 14, can ensure proper formatting of data that is headed for the non-HTTP requester 12 by initiating a compose call 17. Ally, Paragraph [0024]. The compose call 17, in turn, requests that other software format the data using JSP. Ally, paragraph [0026]. One of ordinary skill in the art would readily know that invoking a separate software application in this manner is quite different from actually "hosting" a software application, as does Applicants' facade server. Claim 1 is patentable over Ally for at least this reason.

Second, the Examiner may be tempted to believe that Ally's "compose call 17" is an application that is hosted by the adapter 16. Applicants seek to

ward off any such thought by explaining that the "compose 17," as it is labeled in Figure 1, is actually a compose CALL 17. Ally, paragraph [0026]. Stated in another way, the adapter 16 invokes the compose ( ) function, as described in Ally, to ensure proper JSP-based formatting. Ally, paragraph [0027]. The mere fact that a box labeled "compose" is drawn within a larger box labeled "adapter" should not, and does not, mean that the adapter 16 actually hosts any application. Again, as Ally's specification makes clear, the box labeled "compose 17" is simply representative of the adapter's ability to invoke the compose ( ) function which, ostensibly, is stored elsewhere in the web server 14 or on a different computer altogether. Ally, paragraph [0027]. Claim 1 is patentable over Ally for at least this additional reason.

Finally, nowhere does Ally describe JSP code as being resident on the web server 14, which would be required if Ally's JSP code were legitimately analogized to the claimed application. Absent any such explanation, the JSP code might very well reside on a completely separate memory unit, distinct from the web server 14. Claim 1 is patentable over Ally for at least this additional reason.

Because claim 1 is patentable over Ally, dependent claims 2-6 also are patentable over Ally.

Dependent claim 2 is patentable for additional reasons. Specifically, claim 2 requires "a program stored in the memory unit and executable by the CPU." The program "creates an interface between the facade server and a web-browser for exchanging data associated with the application." The Examiner asserts that the adapter 16 meets this limitation. In response, Applicants offer several rebuttals. First, the Examiner has not pointed out what in Ally meets Applicants' requirement of a "program." The Examiner refers to the adapter 16, but the Examiner has already analogized the adapter 16 to Applicants' "facade server." Thus, absent a "program" as specifically defined in claim 2, claim 2 is further patentable over Ally. Second, Ally does not describe the non-HTTP requester 12 as being a "web-browser." In fact, the only item in Figure 1 described as a "web-browser" is the web-browser 10. Thus, the above

requirement for a program that creates an interface between the facade server and a web-browser is unmet. Claim 2 is patentable for this additional reason.

Dependent claim 3 is patentable for additional reasons. Claim 3 requires that the program of claim 2 "interacts with the facade server through a local protocol registered on the system." The Examiner redundantly refers to the fact that the adapter 16 is able to service non-HTTP requests without explaining how exactly that anticipates this claim. In fact, in rejecting claims 1-2, the Examiner analogized Applicants' "facade server" to the adapter 16 as well as Applicants' "program' to the adapter 16. Surely the Examiner does not argue that, in the context of claim 3, the adapter 16 interacts with itself (i.e., "the program interacts with the facade server") through some sort of local protocol registered on the system. Such an assertion would be unreasonable. Claim 3 is patentable for this additional reason.

B.   Claims 7, 9-10 and 22-23

Independent claim 7 requires "generating application data from a web-based application hosted on an executable facade server via a web-server interface." As explained above in context of claim 1, Ally fails to teach or suggest this limitation. Thus, claim 7 is patentable over Ally for at least this reason.

Claim 7 further requires "providing said application data from the executable facade server to a web-browser using a local protocol." The Examiner analogizes the web-browser to Ally's non-HTTP requester 12. However, as explained above, Ally does not appear to teach that the non-HTTP requester 12 is a web-browser, as required by claim 7. Claim 7 is further patentable over Ally for at least this reason.

Because claim 7 is patentable over Ally, dependent claims 9-10 and 22-23 are patentable over Ally.

C.   Claims 12, 14-15 and 24

Independent claim 12 requires "generating application data from a web-based application hosted on an executable facade sever via a web-server interface." As explained above, Ally fails to teach or even suggest such a

limitation. Claim 12 is patentable for an additional reason. Specifically, claim 12 requires "providing said application data from the executable facade server to a web-browser using a local protocol." As explained above, Ally fails to teach or suggest such a limitation. Thus, claim 12 is patentable for this additional reason.

Because claim 12 is patentable over Ally, claims 14-15 and 24 also are patentable over Ally.

D.   Claims 17-21

Claim 17 requires "means for generating application data from a web-based application, wherein the web-based application is stored in the means for storing data and executable by the means for executing programs" and "means for hosting the web-based application, wherein the means for hosting the web-based application is stored in the means for storing data and executable by the means for executing programs." As explained above, Ally fails to teach or suggest such limitations. Thus, claim 17 is patentable over Ally.

Claims 18-21 are patentable over Ally at least because claim 17 is patentable over Ally.

II.   REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 5, 22 and 24 stand rejected as allegedly obvious under Ally in view of Wong. As explained above, claims 5, 22 and 24 are patentable over Ally. Wong fails to satisfy Ally's deficiencies. Thus, claims 5, 22 and 24 are patentable over the combination of Ally and Wong.

III.   CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/Nick P. Patel/

Nick P. Patel
PTO Reg. No. 57,365
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
AGENT FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400